

TITLE 3: TAXATION
CHAPTER 3: PERSONAL INCOME TAXES
PART 20: RENTS AND ROYALTIES

3.3.20.1 **ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[1/15/97; 3.3.20.1 NMAC - Rn, 3 NMAC 3.20.1, 12/14/00]

3.3.20.2 **SCOPE:** This part applies to each resident of New Mexico and to each nonresident employed or engaged in the transaction of business in, into or from New Mexico or deriving any income from any property or employment in New Mexico.
[1/15/97; 3.3.20.2 NMAC - Rn, 3 NMAC 3.20.2, 12/14/00]

3.3.20.3 **STATUTORY AUTHORITY:** Section 9-11-6.2 NMSA 1978.
[1/15/97; 3.3.20.3 NMAC - Rn, 3 NMAC 3.20.3, 12/14/00]

3.3.20.4 **DURATION:** Permanent.
[1/15/97; 3.3.20.4 NMAC - Rn, 3 NMAC 3.20.4, 12/14/00]

3.3.20.5 **EFFECTIVE DATE:** 1/15/97, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[1/15/97; 3.3.20.5 NMAC - Rn & A, 3 NMAC 3.20.5, 12/14/00]

3.3.20.6 **OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Income Tax Act.
[1/15/97; 3.3.20.6 NMAC - Rn, 3 NMAC 3.20.6, 12/14/00]

3.3.20.7 **DEFINITIONS:** Reserved]
[1/15/97; 3.3.20.7 NMAC - Rn, 3 NMAC 3.20.7, 12/14/00]

3.3.20.8 **INFORMATION RETURNS; RENTS AND ROYALTIES**

A. Persons paying rents and royalties from oil and gas properties located in New Mexico, who are required to file internal revenue service information return Form 1099-MISC on such payments shall file the rent and royalty information with the department in the manner stated below.

(1) Persons paying such rents and royalties on properties located in New Mexico are required to segregate the New Mexico rents and royalties paid from the rents and royalties paid everywhere and report only those rents and royalties from New Mexico properties to the department. The department will accept the information on magnetic media in lieu of paper returns. The magnetic media must comply with the internal revenue service reporting requirements for filing information returns.

(2) A person who has entered into an agreement with the internal revenue service identified as Consent For Internal Revenue Service To Release Tax Information will be deemed to have complied with the filing requirements of this section (3.3.20.8 NMAC).

B. The due date for information returns required to be filed with the department shall be June 15 of each year following the close of the previous calendar year.
[1/25/83, 12/29/89, 3/16/92, 1/15/97; 3.3.20.8 NMAC - Rn & A, 3 NMAC 3.20.8, 12/14/00]

3.3.20.9 **INFORMATION RETURNS; OIL AND GAS WITHHOLDING:** For annual statements of withholding and information returns to be filed by remitters of oil and gas proceeds see Sections 3.3.5.7 through 3.3.5.15 NMAC promulgated under Section 7-3A-7 NMSA 1978.
[3.3.20.9 NMAC - N, 10/15/03]

HISTORY OF 3.3.20 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: R.D.-I.T. Regulation 20:1, Information Returns: Royalties - Regulation Pertaining to the Income Tax Act, Section 7-2-20 NMSA 1978, filed 2/4/82.

R.D.-I.T. Regulation 20:1, Regulation Pertaining to Information Returns: Rents and Royalties Income Tax Act, Section 7-2-20 NMSA 1978, filed 1/25/83.

TRD Rule 2-89, Regulations Pertaining to the Income Tax Act, Sections 7-2-1 to 7-2-30 NMSA 1978, filed 12/29/89.

TRD Rule IT-91, Regulations Pertaining to the Income Tax Act, Sections 7-2-1 to 7-2-30 NMSA 1978, filed 3/16/92.

History of Repealed Material: [RESERVED]